IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 23 OF 2007

IN

WRIT PETITION NO. 1734 OF 2006

NAVIN MOHANLAL KATARMAL .. PETITIONER

Versus

THE STATE OF MAHARASHTRA& ORS... RESPONDENTS

Mr. Maqsood Khan for petitioner
Mrs. A.S. Pai, APP

CORAM:-SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.
DATED:- 31/1/2007

P.C.

. This is an application filed by the brother of Jitendra Mohanlal Katarmal, ("detenu" for convenience) who is detained under the provisions of Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 ("COFEPOSA Act" for short).

2. The petitioner has prayed that the detenu be released under Section 12 of the COFEPOSA Act for a period of fifteen days to enable him to lookafter his wife Nirmala J. Katarmal and give her moral and financial support. It is stated in the

petition that the wife is soon to deliver a child and the medical certificate of Dr. V. L. Yadav is annexed to the application. Dr. Yadav has certified that Mrs. Nirmala Jitendra Katarmal (detenu's wife) is pregnant. She is in the nineth month of pregnancy. She is under his treatment and observation. It is further stated in the certificate that she is advised to take bed rest.

3. We are informed by the learned APP that the petitioner and his wife are staying near the residence of detenu's wife and they can very well lookafter her. We find substance in this submission. The doctor has not stated that there is any danger to the life of detenu's wife. In such circumstances the detenu cannot be released as prayed.

4. We are informed by the learned APP that the petition itself is ready for hearing. Affidavit has been filed and a copy has been served on the petitioner's counsel. We are prepared to take up the petition for hearing. However, the learned counsel for the petitioner states that the petition be heard on 5/2/07. Petition will be taken up for hearing on 5/2/07, if circumstances so demand.

5. The application is disposed of in the aforestated terms.

JUDGE.

JUDGE.